

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Nineteenth Judicial District Court, County of Lincoln

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-030
-vs-)	
)	D E C I S I O N
RICHARD GENE DAVIDSON,)	
)	
Defendant.)	

On January 5, 2018, the District Court sentenced the Defendant for Count I: Vehicular Homicide Under the Influence, to the Montana State Prison for thirty (30) years, with ten (10) years suspended. The Defendant is not eligible for parole for ten years and not until he has completed chemical dependency treatment. Defendant was ordered to pay restitution in the amount of \$1,300. He was given credit for 296 days of time served. Counts II, III, IV, and V were dismissed in a later Order.

On April 27, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented. Hon. John Larson was present and gave a statement.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 27th day of April, 2018.

DATED this 17 day of MAY, 2018.

SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 22nd day
of May, 2018, to:

Clerk of District Court (Original)
Richard Gene Davidson #3023091, Defendant (2)
Hon. John Larson
Brent Getty, Defense Counsel
Marcia Boris, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division